

REMARKS

The Office Action mailed July 30, 2007 has been received and its contents carefully considered. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

Paragraph [0030] in the Specification has been amended to correct the slide plate 18, as suggested by the Examiner.

Claims 1, 4, 5, 7 and 12 have been amended to correct informalities objected to by the Examiner.

The Examiner is courteously thanked for the detailed Office Action and detailed explanation of the basis for each of the objections and rejections.

Turning first to the objection to the drawings, while the Applicants concede that the specific items mentioned are not individually illustrated in the drawings, it is respectfully submitted that the drawing requirement be withdrawn. It is believed that one viewing the present drawings taken in connection with the present specification would understand the claimed subject matter without the need for the additional drawings. While Applicants recognize that each claimed item should be shown in the drawings, it is respectfully submitted that in this instance an individual illustration of each of the mentioned components would not add to the total disclosure of the application. Accordingly, claim 9 remains pending in the application at present, although Applicants reserve the right to cancel claim 9 if needed in the future.

Regarding the claim rejections for informalities, as noted above each of the suggestions kindly presented by the Examiner has been adopted by this Amendment, and withdrawal of the objections is requested.

Turning next to the rejection of claim 9 under 35 USC §1.112, first paragraph, the rejection is respectfully traversed. In this regard it is noted that the claims themselves form a part of the entire disclosure of the application. Each of the items is believed to be an item that would be readily understandable to one skilled in the art. Moreover, it is noted that claim 9 was also rejected over prior art, which is believed inconsistent with the position in the Office Action that configuration of the items recited in claim 9 is not understandable. Accordingly, withdrawal of this rejection is respectfully requested.

Turning to claims 14 and 15 and the rejection under USC §1.112, first paragraph, it is respectfully submitted that the amendments to claim 14 and claim 15 are responsive to this rejection and therefore this rejection may now be withdrawn.

The rejections of claims 8, 9, 11, 12 and 13 for indefiniteness is traversed. Each of these claims has been amended and it is believed that the claims are fully definite.

Claims 1-9, 11-13 and 15 were rejected as being anticipated by Fuss (DE '334). Claim 1 remains the sole independent claim. The rejection is respectfully traversed for the following reasons. In contrast to claim 1 of the invention, DE '334 does not disclose an ejector for ejecting the lock catch from the lock catch counterpart. In this context, the Office Action refers to item 27. Yet, item 27 is denoted as a “sensing bolt” that senses the presence of the lock catch within the door opener. The function of the sensing bolt 27 is to move the closing lever 14 from a closed position (as shown in Fig. 1) to an intermediate position (as shown in Fig. 2) after a single activation of the electromagnet 26 (column 3, lines 48 to 56). The effect of the sensing bolt 27 is thus to enable an opening of the door even if the electromagnet 26 is not permanently activated.

However, DE '334 does not disclose the ejection of the lock catch via an ejector. In fact, as is explicitly disclosed in DE '334, the spring 28 that is engaged with the sensing bolt 27 is weaker than the spring of the lock catch (column 3, line 57, to column 4, line 3). Thus, the sensing bolt 27 of the DE '334 is explicitly unable to push the lock catch out of the door opener. Accordingly, one basic concept of the invention, to utilize the force introduced when pulling the door open through a force-distance conversion to press back a lock catch that is spring-mounted when electromechanical unlocking is carried out, is thus not anticipated by DE '334. In fact, none of the cited documents discloses such a force-distance conversion.

In view of the foregoing, it is respectfully submitted that claim 1 and its dependent claims are allowable over Fuss.

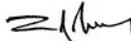
Claim 10 was rejected as being unpatentable over Fuss, in view of Cavestry, and claim 14 was rejected as being unpatentable over Fuss in view of Vadacchino. It is believed that neither Cavestry nor Vadacchino overcome the deficiencies that were noted above with respect to DE '334 with respect to claim 1. Therefore, it is believed that dependent claims 10 and 14 are allowable at least for that reason.

In view of the above remarks, Applicants believe the pending application is in condition for allowance. It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Thus, prompt and favorable consideration of this amendment is respectfully requested.

Should the Examiner believe that a telephone conference would be helpful in expediting prosecution of the application; the Examiner is invited to telephone the undersigned at 202-861-1696.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87305.40.

Respectfully submitted,



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